

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 22, 2004

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., and S. Beaux, Deputy Clerk.

Each of the following:

B162933 People v. Kemp
B165315 County of Los Angeles v. Granite State Ins.
B166568 People v. Wilson
B166806 People v. Falcon et al.
B166884 People v. Irvine
B169374 Hoyos-Martinez v. Sav-On Drugs
B170299 People v. Lo
B170483 People v. Alonzo
B170568 People v. Smith
B174306 Carol R. v. SCLA (DCFS)
B174361 Lisa H. v. SCLA (DCFS)

Argument waived, cause submitted.

B164317 Papa
v.
Lauchengco

Merits:

Argued by Ellen R. Serbin for respondent and no appearance by appellant.
Cause submitted.

DIVISION ONE (Continued)

B164715 People
 v.
 Lucero

Merits:
Argued by William L. Heyman for appellant and by Roy C. Preminger,
deputy attorney general, for respondent. Cause submitted.

B165205 Wong et al.
 v.
 Yoss et al.

Merits:
Argued by Antony Stuart for appellants and by Steve R. Belilove for
respondents. Cause submitted.

B167901 People
 v.
 Paprocki

Merits:
Argued by Christopher Hawthorne for appellant and by Robert C.
Schneider, deputy attorney general, for respondent. Cause submitted.

B165610 Bennett
 v.
 Peters et al.

Merits:
Argued by Steve J. Kaplan and Steve Rottman for appellant and by Barry
M. Appell for respondents. Cause submitted.

Court adjourned.

June 22, 2004 (Continued)

DIVISION ONE (Continued)

B164715 People (Not for Publication)
v.
Lucero

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B169374 Hoyos-Martinez (Not for Publication)
v.
Sav-on Drug Stores, Inc.

The judgment is affirmed. Sav-on is entitled to its costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B162933 People (Not for Publication)
v.
Kemp

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

June 22, 2004 (Continued)

DIVISION ONE (Continued)

B166884 People v. Irvine (Not for Publication)

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B174361 Lisa H. (Not for Publication)
v.
Superior Court, Los Angeles County,
(L.A. County Department of Children & Family Services, r.p.i.)

Petition denied by opinion.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION THREE

B165961 Rivera (Not for Publication)
v.
City of Long Beach

The judgment is affirmed. The parties shall bear their respective costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

June 22, 2004 (Continued)

DIVISION THREE (Continued)

B161867 Kravitz (Not for Publication)
v.
Brauner et al.

The judgment is affirmed. Respondent(s) to recover costs.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

B170197 Boyd v. Mona (Not for Publication)

The trial court's judgment is affirmed. Respondent is awarded costs on appeal.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

B169042 People (Not for Publication)
v.
A.A.

The matter is remanded to the trial court for a new disposition hearing. On count two, the trial court is ordered to declare orally whether defendant was convicted of a felony or a misdemeanor. The trial court then shall re-determine the commitment period. In all other respects, the judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

June 22, 2004 (Continued)

DIVISION THREE (Continued)

B162805 Shallenberger et al. (Not for Publication)
 v.
 Ross

The judgment and the order denying the motion for JNOV are affirmed.
Ross shall recover costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B161694 Abassi et al.
 v.
 Welke

Filed order modifying opinion. (No change in the judgment)

DIVISION FOUR

B168341 Parmet et al.
 v.
 Lapin et al.

Filed order denying petition for rehearing.

DIVISION FIVE

B167223 People (Not for Publication)
 v.
 Daniel Arrellano et al.

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION SIX

[illegible]

We modify the judgment to strike the section 12022, subdivision (a)(1) principal-armed enhancements on counts 1-3. The trial court is directed to issue an amended abstract of judgment reflecting the modification and to forward a certified copy to the Department of Corrections. The sentence remains the same, 29 years 8 months state prison. As so modified, the judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

B165670 People (Not for Publication)
v.
Anna G.

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Perren, J.

B170530 Human Services Agency (Not for Publication)
v.
Alyce S. et al.

The judgment (order terminating parental rights) is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

DIVISION SIX (Continued)

[illegible]

As to the second degree murder conviction (count I), the 10-year consecutive term imposed pursuant to section 186.22, subdivision (b)(1)(C), is ordered stricken. The judgment is modified to provide that, pursuant to section 186.22, subdivision (b)(5), appellant shall not be eligible for parole until he has served a minimum of 15 calendar years in prison. The superior court shall amend the abstract of judgment to reflect these changes and shall forward a certified copy of the amended abstract of judgment to the Department of Corrections.

In all other respects, the judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

B168583 People (Not for Publication)
v.
Lozano

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B168363 People v. Harris (Not for Publication)

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J

DIVISION SIX (Continued)

B165687 People (Not for Publication)
v.
Marchand

We remand this matter to the trial court for its determination of whether the Nevada prior conviction constitutes a strike. Thereafter, the court shall resentence appellant, conform the abstract of judgment to the sentence, and provide the Department of Corrections with a copy thereof. In all other respects the judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

B168948 Bassett
v.
Perrett

(Not for Publication)

The judgment is affirmed. The parties shall bear their own costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B167585 Nielsen (Not for Publication)
v.
Nielsen

We affirm the postjudgment order that Devon pay child support of \$2,000 per month, retroactive to the date the motion was filed. Costs on appeal are awarded to Brian.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION SIX (Continued)

B167819 Thompson (Not for Publication)
v.
Herold

We reverse the judgment ordering the sale of 2000 State to Thompson for \$590,000. The matter is remanded for such further actions as may be appropriate under the terms of the 2001 lease. The parties are to bear their own costs on appeal.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B167293 People
v.
Colt

Filed order denying petition for rehearing.

B168854 People
v.
Money

Filed order denying petition for rehearing.

DIVISION SEVEN

B165763 People
v.
Moore

Filed order denying petition for rehearing.

June 22, 2004 (Continued)

DIVISION SEVEN (Continued)

B16256o Edison Textiles
v.
Topa Insurance Company

Filed order denying petition for rehearing.

B162007 People
v.
Acosta

Filed order denying petition for rehearing.

B166574 People
v.
Vaughn

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION EIGHT

[illegible]

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
Flier, J.

June 22, 2004 (Continued)

DIVISION EIGHT (Continued)

B170069 People (Not for Publication)
v.
Broadnax

The \$200 fine imposed by the trial court under Penal Code section 1203.097 is stricken. The restitution and parole revocation fines imposed under penal Code sections 1202.4 and 1202.45 are each reduced to \$300. In all other respects, the judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
Rubin, J.